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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|---|------------------------|-------------------|
| | | Application Number | 10/644,212 |
| | | Filing Date | August 19, 2003 |
| | | First Named Inventor | Anthony J. AIELLO |
| | | Art Unit | 2652 |
| | | Examiner Name | C. Renner |
| Total Number of Pages in This Submission | 3 | Attorney Docket Number | 146712015000 |

ENCLOSURES (Check all that apply)

| | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply (2 pages) | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
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| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Customer No. 50269 | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|-------------------------|----------|--------|
| Firm Name | MORRISON & FOERSTER LLP | | |
| Signature | | | |
| Printed name | Donald R. Green | | |
| Date | November 16, 2005 | Reg. No. | 42,603 |

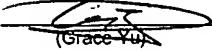
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 16, 2005

Signature:

(Grace Yu)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 16, 2005 Signature: 
(Grace Yu)

Docket No.: 146712015000
(PATENT)

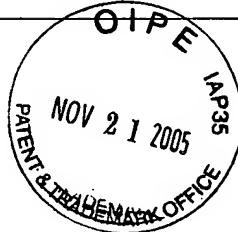
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Anthony J. AIELLO et al.

Application No.: 10/644,212

Filed: August 19, 2003

For: ASYMMETRY PRESSURE REGULATION
AND CHECK VALVE DEVICE FOR FLUID
DYNAMIC BEARING



Confirmation No.: 5453

Art Unit: 2652

Examiner: C. Renner

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed October 18, 2005, Applicant hereby provisionally elects Group II for continued examination, without traverse.

ELECTION OF INVENTION

Claims 1, 2, 10, 12, 16-20, and 23-31 are pending in this application. Restriction has been required as between the following allegedly distinct groups of inventions:

Group I: Claims 1, 2, 10, 12, and 16-20, drawn to a “disk drive motor”/“disc drive motor”, classified in class 360, subclass 99.08.

Group II: Claims 23-31, drawn to a “fluid dynamic bearing”, classified in class 384, subclass 100.

Applicants hereby elect Group II (claims 23-31), without traverse. Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request reconsideration of the restriction requirement and examination of the elected subject matter on the merits.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 146712015000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 16, 2005

Respectfully submitted,

By Donald R. Green
Donald R. Green

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